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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 BRETT PANKEY,

9 Plaintiff,

10 v.

11 DOMINATOR FISHERIES LLC, *in*
12 *personam* and F/V ISLE DOMINATOR
(Official Number 1246391), *in rem*,

13 Defendants.

CASE NO. 2:17-cv-164-BAT

**ORDER REGARDING VENUE/
JURISDICTION**

14 Plaintiff Brett Pankey filed a complaint in admiralty, *in personam* and *in rem* for wages
15 and punitive damages. Dkt. 1. Notices of appearance “solely for the limited purposes of
16 contesting” [subject matter and personal] jurisdiction, venue, sufficiency of process and service
17 of process, and failure to state a claim, were entered on behalf of Defendants Dominator
18 Fisheries LLC and F/V Isle Dominator on June 15, 2017 and September 4, 2017. Dkts. 10 and
19 11.

20 In their Joint Status Report, the parties identified “defendants’ challenge to jurisdiction
21 /venue” as the only complexity in moving this case forward. Dkt. 14. Plaintiff states that he “is
22 willing to move to transfer venue to the District of Alaska upon receipt of a sworn statement that
23 defendants do not do business or conduct fishing operations in the Western District of
Washington.” Dkt. 14 at 1. On September 21, 2017, the Court declined to issue a scheduling

1 order until the issue of jurisdiction and/or venue is resolved. Dkt. 16. In response, defendants
2 filed an answer to the Complaint, but assert as affirmative defenses, that this Court lacks *in*
3 *personam* jurisdiction over Dominator Fisheries LLC and *in rem* jurisdiction over Isle
4 Dominator, and that plaintiff's employment contract with Dominator Fisheries LLC mandates
5 venue of his claims in Alaska state court in Kodiak or a United States District Court in the
6 District of Alaska. Dkt. 19 at 2-3.

7 Therefore, it is **ORDERED:**

8 1. If the parties agree that this case should be transferred to the District of Alaska,
9 the parties shall submit a proposed order of transfer to the Court **by October 10, 2017**.

10 2. If the parties cannot agree to a transfer of venue, defendants shall file a motion
11 challenging jurisdiction and/or venue **by October 10, 2017**. Plaintiff shall file a response **by**
12 **October 17, 2017**. Defendants shall file a reply **by October 24, 2017**.

13 3. The Clerk shall send a copy of this Order to the parties.

14 DATED this 3rd day of October, 2017.

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17 BRIAN A. TSUCHIDA
18 United States Magistrate Judge
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